

REMARKS

Claims 1-11 and 38 are pending in this application. By this Amendment, independent claims 1 and 38 are amended to clarify features recited in these claims. No new matter is added. Claims 20-37, 39 and 40 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-11 and 20-40 under 35 U.S.C. §103(a) over Fredlund et al. (Fredlund), U.S. Patent No. 6,154,295, in view of Nardozzi et al. (Nardozzi), U.S. Patent No. 6,636,837. The rejection of canceled claims 20-37, 39 and 40 is moot. The rejection of claims 1-11 and 38 is respectfully traversed.

The combination of Fredlund and Nardozzi fails to disclose, or reasonably to have suggested, that a plurality of predetermined time periods are prepared in advance in a checker and a charge determiner deducts different predetermined amounts set in advance from a print charge based on each of the plurality of predetermined time periods, as recited in independent claim 1 and similarly recited in independent claim 38.

Fredlund teaches that a customer may have a digital file of their negatives extended for a certain period of time, and that there are several services and special price advantages offered during the time period (col. 3, lines 47-56; col. 4, lines 43-50). That is, Fredlund discloses that customers can have the digital file of their negatives extended for a certain amount of time (see col. 3, line 50), which appears to be determined by the customer, not a plurality of predetermined time periods prepared in advance by the computer 26. Further, Fredlund merely teaches that, "During the time period, there are several services that they can order, and special price advantages may be offered" (col. 3, lines 54-56). However, there is no evidence that Fredlund deducts different predetermined amounts set in advance from a print charge based on each of the plurality of predetermined time periods, as recited in

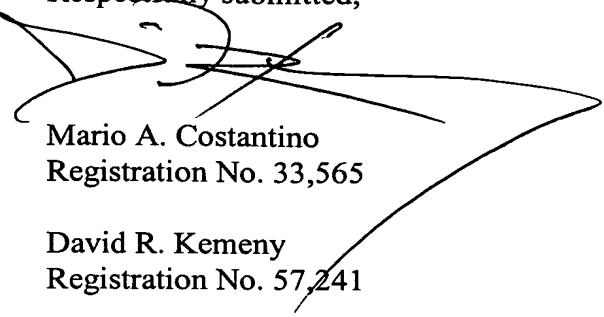
independent claims 1 and 38. That is, "the special prices that may apply" referred to in col. 3, lines 54-56 corresponds to a discount amount relating to service to be ordered, not different predetermined amounts set in advance based on each of the plurality of predetermined time periods, as recited in independent claims 1 and 38. Further, Nardozzi fails to account for these deficiency of Fredlund. Nardozzi merely discloses offering discount coupons to customers to encourage customers to try new goods and services (col. 9, lines 39-52).

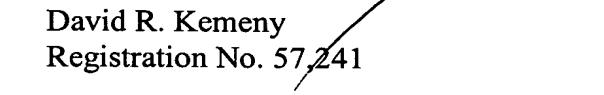
Thus, independent claims 1 and 38 are patentable over the combination of Fredlund and Nardozzi. Because claims 2-11 incorporate the features of claim 1, these claims also are patentable over the applied references for at least this reason, as well as for the additional features these claims recite. Therefore, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 and 38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
Mario A. Costantino  
Registration No. 33,565

  
David R. Kemeny  
Registration No. 57,241

MAC:DRK/sxl

Attachment:

Petition for Extension of Time

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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